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10 North America Corp. and Infineon Technologies
11 AG.

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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 In re DYNAMIC RANDOM ACCESS
19 MEMORY (DRAM) ANTITRUST
20 LITIGATION

21 Master File No. M-02-1486 PJH

22 MDL No. 1486

23 Case No. 06 6436 PJH

24 **STIPULATION AND [PROPOSED]
25 ORDER**

26 Judge: Hon. Phyllis J. Hamilton

27 This Document Relates to:

28 STATE OF NEW YORK,

Plaintiff,

v.

WHEREAS New York has been taking discovery, pursuant to the Court Orders dated

January 5, 2009 and July 27, 2009, from certain Defendants, including Infineon Technologies AG & Infineon Technologies North America Corp. (the "Infineon defendants"), concerning certain affirmative defenses; and

1 WHEREAS the Stipulation and Order dated July 27, 2009 requires the parties to schedule
2 and conduct Fed. R. Civ. P. 30(b)(6) depositions noticed in 2009 by New York within 150 days of
3 entry of the Order, *i.e.*, by December 24, 2009; and

4 WHEREAS following extensive meet and confer discussions, New York was able to
5 schedule and conduct depositions of certain defendants other than the Infineon defendants in
6 December 2009; and

7 WHEREAS it was not possible, for practical reasons, for New York and the Infineon
8 defendants to schedule a deposition of an appropriate Infineon witness during the same time frame
9 as the other depositions that have already been held in December 2009; and

10 WHEREAS New York and Infineon had negotiated in good faith and had reached an
11 agreement to conduct the deposition on or about January 14, 2010, *i.e.*, after the deadline otherwise
12 imposed by the July 27, 2009 Stipulation and Order;

13 WHEREAS New York and Infineon submitted a Stipulation and Proposed Order, signed by
14 the Court on December 18, 2009, continuing the Infineon 30(b)(6) deposition to January 14, 2009;

15 WHEREAS it is not possible for New York and the Infineon defendants to conduct the
16 deposition of an appropriate Infineon witness by January 14, 2010, but the parties have met and
17 conferred and reached an agreement to conduct the deposition, if necessary, on or about March 4,
18 2010 or March 5, 2010;

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1 IT IS HEREBY STIPULATED BY NEW YORK AND THE INFINEON DEFENDANTS
2 THAT:

3 1. Paragraph 8(b) of the Stipulation and Order dated July 27, 2009 is hereby modified so as to
4 permit New York to depose an Infineon witness pursuant to New York's 2009 Fed. R. Civ. P.
5 30(b)(6) on or about March 4, 2010 or March 5, 2010. Aside from this date modification, the
6 remainder of the stipulation shall remain in place and shall have the same force and effect on the
7 deposition of the Infineon witness as if the deposition had taken place prior to December 24, 2009.
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10 Dated: January 8, 2010

11 ANDREW M. CUOMO
12 Attorney General of the State of New
13 York
14 Antitrust Bureau
15 120 Broadway, 26th Floor
16 New York, New York 10271
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18 By /s/ Jeremy R. Kasha
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By /s/ Joshua Stambaugh
ATON ARBISSER
JULIAN BREW
JOSHUA S. STAMBAUGH

Counsel for Infineon Technologies AG &
Infineon Technologies North America Corp.

Dated: Jan. 11, 2010

SO ORDERED:

U.S.M.J. JOSEPH



I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 1999 Avenue of the Stars, Suite 1700, Los Angeles, California 90067.

On January 8, 2010, I served the documents described as: **STIPULATION AND [PROPOSED] ORDER**

by placing a copy of the above entitled document in a sealed envelope addressed as stated below:

by ECF: by USDC Live System-Documents Filing System on all interested parties registered for e-filing in cases M-02-1486-PJH and C-06-06436-PJH

— by **U.S. MAIL** (I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.)

— by **FEDERAL EXPRESS** (by causing such envelope to be delivered to the office of the addressee by overnight delivery via Federal Express or by other similar overnight delivery service.

by PERSONAL SERVICE

by personally delivering such envelope to the addressee.
by causing such envelope to be delivered by messenger to the office of the addressee.

____ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

X (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on January 8, 2010, at Los Angeles, California.

Vickie J. Huntley

Vickie J. Huntley